

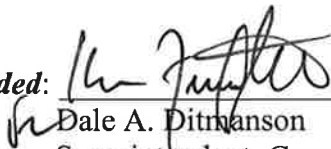
**FINDING OF NO SIGNIFICANT IMPACT
FOR
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION'S WHITE OAK ROAD
WIDENING
-ENVIRONMENTAL ASSESSMENT-**

**GREAT SMOKY MOUNTAINS NATIONAL PARK
Gatlinburg, Tennessee**

The Preferred Alternative does not constitute an action that normally requires preparation of an Environmental Impact Statement (EIS) in accordance with the regulations issued by the Council on Environmental Quality. The Preferred Alternative will not have a significant effect on the human environment. Environmental impacts that could occur are negligible or minor in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any Federal, State, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Recommended:


Dale A. Dittmanson

Superintendent, Great Smoky Mountains National Park

5/14/10
Date

Approved:


for David Vela

Regional Director, National Park Service, Southeast Region

5/24/10
Date

**FINDING OF NO SIGNIFICANT IMPACT
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION'S
WHITE OAK ROAD WIDENING
-ENVIRONMENTAL ASSESSMENT-**

**GREAT SMOKY MOUNTAINS NATIONAL PARK
Gatlinburg, Tennessee**

BACKGROUND

This Environmental Assessment (EA) addresses the proposal by the North Carolina Department of Transportation to widen White Oak Road, which crosses National Park Service (NPS) property near Cataloochee Valley in Haywood County, NC. The project site is located on a right-of way (ROW) extending from Hoglen Gap at the Cataloochee entrance to Great Smoky Mountains National Park east toward Interstate 40, approximately 18 miles from Waynesville, NC and near I-40 Exit 15 (Fines Creek).

In July, 2008, the North Carolina Department of Transportation (NC DOT) advised Great Smoky Mountains National Park of their interest in making improvements to State Road 1338 (White Oak Road), which includes the portion crossing a ROW within the Park boundary known as the "Cataloochee Access Road" tract. This property, totaling 509.45 acres, was acquired by donation from the state of North Carolina in 1969 for the purpose of building an entrance to Cataloochee Valley from Interstate 40. While this concept was subsequently abandoned in the Park's 1982 General Management Plan, the tract remains by law part of Great Smoky Mountains National Park and subject to the same laws, policies and regulations as other areas of the Park. NC DOT approached the Park with the request based on safety concerns associated with access to the area by emergency and/or oversized vehicles. NPS has legal authority to issue a ROW permit to NC DOT to accommodate their request to widen White Oak Road contingent on appropriate environmental review and a determination that no other reasonable alternative exists. The purpose of this EA is to determine whether there is any feasible and prudent alternative to the proposed action, and whether all possible planning has taken place to minimize and mitigate harm to the Park. The proposed improvements are summarized below under Alternative B (Build Alternative), as it was presented and analyzed in the North Carolina Department of Transportation's White Oak Road Widening Environmental Assessment.

The purpose of this document is to record the decision to implement an alternative from the EA and to record a Finding of No Significant Impact (FONSI) pursuant to the Council on Environmental Quality's (CEQ) regulations (40 CFR 1500 and 42 USC 4332(2)(c)) for implementing the National Environmental Policy Act (NEPA).

PREFERRED ALTERNATIVE

The decision is to select the Preferred Alternative, also referred to as the Build Alternative (Alternative B). Under the Build Alternative, the road corridor (existing maintained ROW of 0.816 acres) would be expanded by approximately 0.705 acres. An additional 0.242 acres are requested as a construction easement. The proposed new dimension would be 28 feet. The proposed new maintained ROW would be 50 feet wide, thus with the proposed temporary construction easement would result in an increase of 0.947 acres of disturbance from the existing ROW. The purpose of the temporary construction easement is to allow NCDOT to construct cut and fill slopes that may extend past the proposed 50 foot ROW. The road would be paved, which would include excavation to adjust grade and match the existing pavement and the placement of aggregate base with asphalt. The construction areas beyond the ROW would not be needed by NCDOT to maintain the road after construction and would be replanted with native vegetation using the Park approved seed mixture.

OTHER ALTERNATIVES CONSIDERED

No Action Alternative

Under Alternative A (No Action), there would be no changes made to the road corridor. The No Action alternative is presented as a requirement of the National Environmental Policy Act, (NEPA) and is the baseline condition with which proposed activities are compared.

The relatively narrow, unpaved road would continue to serve an increasing traffic load. School buses, emergency and other larger vehicles would potentially have difficulty in accessing the area. The existing roadway surface from edge of shoulder to edge of shoulder is 18 ft wide.

Alternatives Considered but Rejected

An alternative that involved constructing the road to meet NPS road standards by straightening curves was evaluated. The proposed horizontal alignment included four curves that do not meet the minimum center-line radius requirement for a 20 mph design speed. The proposed alternative would have made design exceptions for these curves. The curves would have center-line radii of 50 to 90 feet. The objective of the NC DOT project is to widen and pave White Oak Road primarily along the existing alignment, while minimizing construction impacts. In order to meet the minimum design requirement, the curve radii would have to be flattened. This would require significant changes to the alignment, resulting in extensive cuts and fills. This alternative was considered, but rejected because of excessive environmental damage.

A second alternative was considered that involved paving the existing footprint of the road without widening. Widening was considered important to accommodate a higher volume of traffic, including larger vehicles such as ambulances, fire trucks and school buses. This alternative was considered but rejected since increased local development requires this accommodation. Thus the alternative of paving without widening would not meet the project's purpose and need.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

As defined by the CEQ: “The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA’s Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources” (CEQ 2005a).

Alternative B has been identified as the Environmentally Preferred Alternative since it is the alternative that will promote the environmental policy expressed in NEPA Section 101 (b). The specific objectives of NEPA that will be met by Alternative B include the following:

Alternative B has been identified as the Environmentally Preferred Alternative since it is the alternative that will promote the environmental policy expressed in the National Environmental Policy Act (NEPA) (Sec. 101 (b)). The specific objectives of NEPA that will be met by Alternative B include the following:

- *Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.*
 - o Alternative B will provide minor long-term benefits to natural resources and will not result in long-term adverse impacts on the environment.
- *Ensure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings.*
 - o Alternative B will result in better access to the project area and improve safety through improvements in emergency vehicle and oversized vehicle access. The paved road will be an esthetic improvement as compared to the unpaved road.
- *Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.*
 - o Alternative B will widen, straighten and pave White Oak Road. This alternative will eliminate existing safety problems and provide safer use of and access to the area.
- *Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.*
 - o Alternative B will not result in adverse impacts to important historic, cultural and natural aspects of our national heritage. Improved access to rural residences near the Park boundary supports a variety of choice for residents and visitors.
- o *Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life’s amenities;*
 - o Alternative B will enhance the safety and the road condition of White Oak Road thus improving standards of living.

- *Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.*
 - o Alternative B will not result in adverse impacts on renewable resources or depletable resources.

THE PREFERRED ALTERNATIVE AND SIGNIFICANCE CRITERIA

The Preferred Alternative will have short-term negligible to minor beneficial and adverse impacts from the improvement of White Oak Road but in the long-term will have beneficial impacts associated with soils and public use. Negligible adverse impacts will only be observed during the period of construction of road to natural resources. A summary of environmental consequences is provided below.

As defined in 40 CFR §1508.27 from the CEQ's regulations that implement the provisions of NEPA, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

Construction-related land disturbance would expose soils to possible erosion, but due to the small area of disturbance, any impacts would be minor and short-term. Best Management Practices (i.e. biodegradable erosion control materials, silt fencing, see section 2.5 Mitigations) will be employed during construction to avoid soil erosion or potential for runoff. Under the Build Alternative, the road corridor (maintained ROW) would be expanded by approximately 0.876 acres. An additional 0.298 acres are requested as a construction easement. Increased disturbance may increase occurrence of exotic plant species. No noticeable impacts on wildlife species would occur because construction would occur in an area that has already been impacted by a road and does not serve as wildlife habitat.

No federally listed threatened or endangered species or federally designated critical habitats have been identified in the project area. The trees to be removed may be potential summer habitat for the endangered Indiana bat; therefore they would be removed during specified dates (late November or early December-March) to mitigate any potential impacts to the Indiana bat. The proposed action would not affect a listed species or designated critical habitat.

The project area includes one small stream, Rocky Branch. Any ground disturbance will be mitigated for erosion using best management practices; however, there may be long-term negligible impacts associated with building the road thus reducing further erosion of soils. Native plants will be used in revegetating the area and the disturbed area will be monitored for exotics and treated in accordance with the Park's integrated pest management plan.

NPS will work with NC DOT on specific design criteria to minimize the actual footprint of impacts during design and engineering. So while acreages above are estimated as the area of disturbance, NPS anticipates a reduction of the construction footprint during this more detailed planning phase.

There are no known historic structures, cultural landscapes, ethnographic resources or museum collections associated with the project area and there would be no project related adverse or beneficial impacts to these resource types. Alternative B would result in negligible short-term impacts to archeological resources. Inadvertent discoveries during the construction phase will be handled through the use of archeological monitoring particularly in those areas where structures were known to have stood. Remnants of the stone steps and mailbox are avoidable and are to be protected during construction to mitigate potential impacts.

The degree to which the action affects public health or safety

Alternative B would have negligible short-term adverse impacts due to minor hazards of construction. There would be minor long-term beneficial impacts on public health and safety as a result of the proposed road widening. These beneficial effects are associated with the improvements to the road condition through paving, the slight widening of the road to permit safe passage of oversized vehicles and the ability to allow for free and ready passage of emergency vehicles.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas

The NPS defines five categories of cultural resources: 1) archeological resources; 2) historic structures; 3) cultural landscapes; 4) ethnographic resources; and 5) museum collections. The impact for categories 1 - 4 of cultural resources were evaluated in this EA. Category 5 was not evaluated since there are no museum collections at or near the project site. Based on this evaluation, the park finds that cultural resources will not be affected. A survey of the site in 2009 did not locate any archeological artifacts or archeological features that would be affected. No structures eligible for listing in the National Register of Historic Places would be affected. Since the project area is not a cultural site and the improvements would not impact access to cultural sites, there would be no affect on ethnographic resources.

No archeological resources, historic structures, cultural landscapes, or ethnographic resources will be impacted by this alternative.

Wild and scenic rivers have not been designated within GRSM boundaries; therefore, they will not be impacted by this proposed project.

The Natural Resource Conservation Service (1993) defines prime farmland as soil that produces general crops such as common foods, forage, fiber, and oil seed. Unique farmland is defined as soil that produces specialty crops such as fruits, vegetables, and nuts. The soil types in the GRSM area provide limited support for prime farmland and unique farmland based on these definitions. Areas of agricultural use on GRSM do not exist and as such the proposed alternative do not involve alterations to any land-use or soil. Therefore, prime or unique farmland will not be affected.

No ecologically critical areas or wetlands will be impacted by this alternative.

The degree to which the effects on the quality of the human environment are likely to be highly controversial

Implementation of the project will not result in controversial effects on the human environment. Two comments were received during the public comment period through PEPC. One in favor of the road widening due to safety concerns and another not in favor of the widening due to natural resource disturbance associated with the project. Neither of these comments addressed any controversy nor did they introduce any new concerns or alternatives that need to be addressed.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks

There are no identified risks associated with the Preferred Alternative that are unique or unknown and there are no effects associated with the Preferred Alternative that are highly uncertain were identified during the analysis for the EA or during the public review of the EA.

The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

The Preferred Alternative does not establish a precedent for any future actions that may have significant effects, nor does it represent decisions about future considerations. The purpose of this action is to improve White Oak Road at this particular location and the issues involved in approving this action are specific to this location.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

The Preferred Alternative proposes an action that is independent of any other activity currently in place or proposed and does not relate to other actions which would result in cumulative impacts. No cumulative impacts were identified in the analysis.

The degree to which the action may adversely affect items listed or eligible for listing in the National Register of Historic Places (NRHP), or other significant scientific, cultural, or historic resources

The EA was written in compliance with Section 106 of the NHPA and consultation was initiated in October 2009. No museum objects, archeological resources, historic structures or cultural landscapes will be impacted by this alternative. The North Carolina State Historic Preservation Office (SHPO) reviewed the project and in a letter dated March 22, 2010 concurred with the assessment that there are no NRHP listed or eligible properties that would be adversely affected by this undertaking and had no objection to the park proceeding with this project. Additionally, the Tribal Historic Preservation Officers for the Eastern Band of the Cherokee Indians (letter dated March 31, 2010) and the United Keetoowah Band of Cherokee Indians in Oklahoma (letter dated March 22, 2010) reviewed the project. Both concurred with the assessment and had no objection to the project proceeding as planned.

The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973

The Preferred Alternative will not have an impact on any threatened and endangered species. The U.S. Fish and Wildlife Service concurred that the project is not likely to adversely affect any listed species in a letter dated April 20, 2010.

Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment

This action violates no Federal, State, or local environmental protection laws.

IMPAIRMENT STATEMENT

In addition to reviewing the list of significance criteria, the NPS has determined that implementation of the proposal will not constitute an impairment to the critical resources and values of the Park. This conclusion is based on a thorough analysis of the environmental impacts described in the EA, public comments, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in NPS *Management Policies 2006*. The plan under the Preferred Alternative will not result in significant adverse impacts to Park resources. Overall, the plan will result in benefits to park resources and values as well as opportunities for their enjoyment, and it would not result in their impairment.

PUBLIC INVOLVEMENT

Public notice regarding the availability of the EA was distributed to the local news media and other interested parties. A public comment period ran from February 19 to March 19, 2010. The EA was posted and was available for public review on the NPS' Planning web site at <http://parkplanning.nps.gov>. The public was asked to send their comments to the Superintendent, and were given a 30-day period to do so.

The NPS issued a news release to local news media on February 19, 2010 regarding the availability of this EA and the public comment period. Printed copies of the EA were available at Park Headquarters, near Gatlinburg, Tennessee, and at the following libraries: In North

Carolina: Haywood County Public Library, Waynesville; Maggie Valley Library, Maggie Valley; Canton Library, Canton; Marianna Black Library, Bryson City; and Qualla Boundary Public Library, Cherokee. In Tennessee: Blount County Public Library, Maryville; Cosby Community Library, Cosby; and Sevier County Public Library, Sevierville. The FONSI will be sent to the agencies on the same distribution list as those who were sent the EA.

Agency Correspondence



Preserving America's Heritage

October 21, 2009

Dale A. Ditmanson, Superintendent
Great Smoky Mountains National Park
National Park Service
107 Park Headquarters Road
Gatlinburg, TN 37738

**Ref: *Proposed White Oak Flats Road Widening Project, H30
Great Smoky Mountains National Park, North Carolina***

Dear Mr. Ditmanson:

On October 6, 2009, the Advisory Council on Historic Preservation (ACHP) received the National Park Service's [NPS'] notification pursuant to Section 800.8(c) of the ACHP's regulations, "Protection of Historic Properties" (36 CFR 800). We appreciate receiving your notification, which establishes that NPS will use the process and documentation required for the preparation of an EA/FONSI or an EIS/ROD to comply with Section 106 of the National Historic Preservation Act in lieu of the procedures set forth in 36 CFR 800.3 through 800.6.

In addition to notification to the ACHP, NPS must also notify the North Carolina State Historic Preservation Officer and meet the standards in Section 800.8(c)(1)(i) through (v) for the following:

- identify consulting parties either pursuant to 800.3(f) or through the NEPA scoping process with results consistent with § 800.3(f);
- identify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of §§ 800.4 through 800.5;
- consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes, other consulting parties and the Council;
- involve the public; and
- develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or DEIS..

To meet the requirement to consult with the ACHP as appropriate, the NPS should notify the ACHP in the event NPS determines, in consultation with the SHPO/THPO and other consulting parties, that the proposed undertaking(s) may adversely affect properties listed, or eligible for listing, on the National

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov



**North Carolina Department of Cultural Resources
State Historic Preservation Office**

Peter B. Sandbeck, Administrator

Beverly Eaves Pendue, Governor
Linda A. Carlisle, Secretary
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

March 22, 2010

Dale Ditmanson
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, TN 37738

Re: Widen SR 1338, White Oak Flats Road, Haywood County, ER 09-2456

Dear Mr. Ditmanson:


Thank you for your letter of February 26, 2010, transmitting the Environmental Assessment for the above project.

Based on the information provided in the EA, we concur that the road widening project will have no adverse effect on significant archaeological sites.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Farley, environmental review coordinator, at 919/807-6579. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,


Peter Sandbeck



Eastern Band of Cherokee Indians
Tribal Historic Preservation Office
P.O. Box 455
Cherokee, NC 28719
Ph: 828-554-6852 Fax 828-488-2462

DATE: March 31, 2010

TO: Great Smoky Mtns. National Park
Attn: Dianne Flaugh
Cultural Resource Program Manager
107 Park Headquarters Rd.
Gatlinburg, TN 37738

PROJECT(s): (NC SHPO# ER09-2456). Comments concerning the proposed White Oak Road Widening Environmental Assessment in Haywood County, NC.

The Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians (EBCI THPO) would like to thank you for the opportunity to comment on this proposed section 106 activity under §36 C.F.R. 800.

The EBCI THPO concurs with the archeologist's recommendations that no sites eligible for inclusion on the National Register of Historic Places were encountered during the recent phase I archaeological field survey. As such, the EBCI THPO believes that the proposed project may proceed as planned. In the event that project plans change, or cultural resources or human remains are discovered, all work should cease, and this office should be contacted to continue government to government consultation as defined under Section 106 of the National Historic Preservation Act of 1966, as amended.

If we can be of further service, or if you have any comments or questions, please feel free to contact me at (828) 554-6852.

Sincerely,

Tyler Howe
Tribal Historical Preservation Specialist
Eastern Band of Cherokee Indians



IN REPLY REFER TO:

H 30

February 26, 2010

United States Department of the Interior

NATIONAL PARK SERVICE
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, Tennessee 37738



RECEIVED MAR 02 2010

Lisa Stopp
Tribal Historic Preservation Officer
United Keetoowah Band of Cherokee Indians
P.O. Box 746
Tahlequah, Oklahoma 74465-0746

The United Keetoowah Band of Cherokee Indians in Oklahoma has no objection to the referenced project. However, if any remains, artifacts or other items are inadvertently discovered, please cease construction immediately and contact us at 918-456-6533 or by letter.


Lisa C. Stopp, Tribal NAGPRA POC Date 3-22-10

Dear Ms. Stopp:

In a letter dated September 24, 2009, Great Smoky Mountains National Park (Park) initiated a formal consultation with your office under a combined Section 106/National Environmental Policy Act process (36 CFR 800.8). At that time the Park began an environmental assessment (EA) process to analyze alternatives related to a proposed change in property deed. This property deed change would allow the establishment of a right of way which is in turn needed if White Oak Road (North Carolina State Road 1338) is to be widened. The project area is located within Haywood County, North Carolina and includes a portion of Great Smoky Mountains National Park. This project was assigned the Planning, Environment and Public Comment (PEPC) number of 27557 for tracking purposes. The North Carolina State Historic Preservation Officer tracking number is ER 09-2456.

In July, 2008, the North Carolina Department of Transportation (NC DOT) advised GRSM of their interest in making improvements to State Road 1338 (White Oak Road), which includes the portion crossing a right-of-way (ROW) within the Park boundary known as the "Cataloochee Access Road" tract. This property, totaling 509.45 acres, was acquired by donation from the state of North Carolina in 1969 for the purpose of building an entrance to Cataloochee Valley from Interstate 40. While this concept was subsequently abandoned in the Park's 1982 General Management Plan, the tract remains by law part of GRSM and subject to the same laws, policies and regulations as other areas of the Park. NC DOT approached the Park with the request based on safety concerns associated with access to the area by emergency and/or oversized vehicles. NPS has legal authority to issue a ROW permit to NC DOT to accommodate their request to widen White Oak Road contingent on appropriate environmental review and a determination that no other reasonable alternative exists. The purpose of this EA (enclosed) is to determine whether there is any feasible and prudent alternative to the proposed action, and whether all possible planning has taken place to minimize and mitigate harm to the Park.

TAKE PRIDE[®]
IN AMERICA 



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

April 20, 2010

Mr. Dale A. Ditmanson
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, Tennessee 37738

Attn: Kristine Johnson

Dear Mr. Ditmanson:

Subject: Endangered Species Concurrence Request for Secondary Road Improvements to White Oak Road (SR 1338), Haywood County, North Carolina

We have reviewed your letter and the environmental assessment that you provided for the North Carolina Department of Transportation's (NCDOT) proposed widening of a section of White Oak Road (SR 1338) in Haywood County, NC. Our comments are provided in accordance with the National Environmental Policy Act (42 U.S.C. 4332(2) (c)) and provisions of section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

According to your letter, the NCDOT proposes to upgrade a section of White Oak Road in Haywood County from an unpaved roadway to a paved roadway. The proposed new dimension of the roadway surface is 28 feet (currently 18 feet) and the proposed maintained ROW is 50 feet wide. Therefore the existing maintained right-of-way (ROW) of 0.816 acres will be expanded by 0.705 acres while an additional 0.242 acres are being requested as a construction easement, bringing the total new disturbed area to 0.947 acres. The purpose of the temporary construction easement is to allow NCDOT to construct cut and fill slopes that may extend past the proposed 50-foot ROW. The paving requires excavation to adjust the grade to match the existing pavement and includes placement of aggregate base and asphalt. The construction areas beyond the ROW that are not needed by NCDOT to maintain the road after construction will be replanted with native vegetation using a seed mixture approved by the Park.

Federally Listed Species – The National Park Service has determined that the subject project is not likely to adversely affect the federally endangered Indiana bat (*Myotis sodalis*). The U.S. Fish and Wildlife Service (Service) does not currently include Haywood County within the summer range of the Indiana bat. However, to be conservative the Park is recommending

seasonal cutting restrictions (October 15 through April 15) for this project. We support the recommended mitigation strategies because they will avoid potential impacts to the Indiana bat as well as other bat and bird species. Because no roosting habitat is present in the subject right-of-way and the Service does not consider the project area to be within the summer range of the Indiana bat, we concur that this project is not likely to adversely affect the Indiana bat. Therefore, the requirements under section 7(c) of the Act are fulfilled. Also, please note that obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

Invasive Species - We are concerned with the introduction and spread of invasive exotic species in association with the proposed project. Without active management, including the revegetation of disturbed areas with native species, project corridors will likely be sources of (and corridors for) the movement of invasive exotic plant species. Exotic species are a major contributor to species depletion and extinction, second only to habitat loss. Exotics are a factor contributing to the endangered or threatened status of more than 40 percent of the animals and plants on the *Federal List of Endangered and Threatened Wildlife and Plants*.¹ It is estimated that at least 4,000 exotic plant species and 2,300 exotic animal species are now established in the United States, costing more than \$130 billion a year to control.² Additionally, the U.S. Government has many programs and laws in place to combat invasive species (see www.invasivespecies.gov) and thus cannot spend money to counter these efforts. Specifically, Section 2(a)(3) of Executive Order 13112 - Invasive Species (February 3, 1999) directs federal agencies to "not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere." Despite their short-term erosion control benefits, many exotic species used in soil stabilization seed mixes are persistent once they are established, thereby preventing the reestablishment of native vegetation. Many of these exotic plants³ are also aggressive invaders of nearby natural areas, where they are capable of displacing already established native species. Therefore, we strongly recommend that only native plant species be used in association with all aspects of this project.

Additionally, because this site is in such close proximity to the Great Smoky Mountain National Park, avoiding invasive exotic species is particularly important. Tall fescue (including Kentucky 31 fescue) and *Sericea lespechea* are listed as a category 1 exotic invasive plant species on the Regional Forester's List and Ranking Structure - Invasive Exotic Plant Species of Management Concern for the U.S. Forest Service's Southern Region. Category 1 exotic plant species are known to be invasive and persistent throughout all or most of their range within the Southern Region. They can spread into, and persist in, native plant communities and displace native plant species. Therefore, they pose a demonstrable threat to the integrity of the natural

¹D. S. Wilcove, D. Rothstein, J. Dubow, A. Phillips, and E. Losos. 1998. Quantifying threats to imperiled species in the United States. *BioScience* 48:607-615.

²D. Pimentel, L. Lach, R. Zuniga, and D. Morrison. 2000. Environmental and economic costs of nonindigenous species in the United States. *BioScience* 50:53-65.

³Lists of invasive exotic plants can be found at <http://www.tnecpc.org/> and <http://www.invasive.org/eastern/srs/> on the Internet.

plant communities in the Southern Region. The use of category 1 species is prohibited on national forest land. We recommend that NCDOT strictly follow the guidelines that will be put in place by using a seed mixture approved by the Park for the establishment of native vegetation.

If you have questions about these comments, please contact Mr. Troy Wilson of our staff at 828/258-3939, Ext. 226. In any future correspondence concerning this project, please reference our Log Number 4-2-10-123.

Electronic copy to:

Ms. Marla J. Chambers, Western NCDOT Permit Coordinator, North Carolina Wildlife
Resources Commission, 12275 Swift Road, Oakboro, NC 28129

Mr. Mark Davis, Environmental Supervisor, North Carolina Department of Transportation,
253 Webster Road, Sylva, NC 28779

**ERRATA
FOR
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION'S WHITE OAK ROAD
WIDENING
-ENVIRONMENTAL ASSESSMENT-**

Response to Comments
North Carolina Department of Transportation's White Oak Road Widening
Environmental Assessment

Great Smoky Mountains National Park received two letters of comment from individuals through the PEPC comment system. The Fish and Wildlife Service also provided comment upon the proposed project.

Comment received 2/20/2010: This commenter wrote "I feel that alternative A No Action would be best. Once an environment is disturbed it can never be the same. Human interaction via construction takes away from the natural aspects of the park. We should protect all natural elements of the park for future generations to enjoy. The road should stay as it is and the money should be used to support more rangers in the park or renovation of current dilapidated structures within the park."

Response: No response necessary; however, it should be noted that this project is not a NPS project, NPS funds are not being expended and road improvement funds would not be redirected to the NPS.

Comment received 2/27/2010: This commenter wrote "Yes to Alternative B – Please approve and proceed with the road widening. I have traveled this road several times and have noted that it is very dangerous and poses a high risk of injury or death to the traveling public. This road is the only practical access to Cataloochee Valley of the GSNP. Under the present road the beauty of the valley is almost shut off due to the safety concerns."

Response: No response necessary; however, it should be noted that the road in question does not provide access to Cataloochee Valley.

Comment received 4/21/2010: The Fish and Wildlife Service, Asheville Field Office (FWS) commented upon the introduction and spread of invasive exotic species. The FWS letter can be found in its entirety in the Agency Correspondence section of this document. In summary, the FWS wrote:

"Without active management, including revegetation of disturbed areas with native species, project corridors will likely be sources of the movement of invasive exotic plant species. Exotic species are a major contributor to species depletion and extinction, second only to habitat loss. Exotics are a factor contributing to the endangered or threatened status of more than 40 percent of the animals and plants on the *Federal List of Endangered and Threatened Wildlife and Plants*. ... Therefore, we strongly recommend that only native plant species be used in association with all aspects of this project.

Additionally, because this site is in such close proximity to the Great Smoky Mountains National Park, avoiding invasive exotic species is particularly important. Tall fescue (including Kentucky 31 fescue) and *Sericea lespedeza* are listed as category 1 exotic invasive plant species on the Regional Forester's List and Ranking Structure – Invasive Exotic Plant Species of Management Concern for the U.S. Forest Service's Southern Region. ... The use of category 1 species is

prohibited on national forest land. We recommend that NC DOT strictly follow the guidelines that will be in place by using a seed mixture approved by the Park for the establishment of native vegetation.”

Response: The Park is concerned about the potential for the spread of exotics in the project area and noted in the evaluation of the preferred alternative that increased disturbance may increase occurrence of exotic plant species. As mitigation, a measure to address this concern was developed. This measure required that revegetation must be accomplished using NPS approved seed and erosion control materials. No straw or hay is to be used on site and any fill material, topsoil or mulch must be approved by NPS in an attempt to limit the spread of exotics to the site from other areas.

The park approved seed mix for road projects inside the Park was recommended by the Natural Resources Conservation Service (Beltsville Maryland Plant Material Center) and has been used on road projects in the Park for over ten years. It includes the following non-invasive, non-native seeds: hard fescue, chewings fescue, annual ryegrass and red fescue. Native seed is added to this mix when it is available and appropriate for the location. The non-native seeds included in this mix were selected because they are not persistent and will not out-compete native plants under the conditions typically experienced in the Park. They do act to stabilize the soils to prevent erosion and allow for natives to become reestablished.

In this location, the Park is recommending that NC DOT use the park approved roadside without the addition of native seed. None of the native seed available through the Park is appropriate for the conditions of this location. No commercially available native seed mix is considered to meet the requirements of the Park as these would introduce new genetic lines into the Park.

The measures of preventing erosion and stabilizing the disturbed areas with the approved seed mix in combination with limiting the potential spread of exotics into the area through prior evaluation of fill, topsoil, or mulch sources will provide the best site conditions for revegetation of the disturbed area with native seed originating from the surrounding undisturbed area and from seed found in the native soil. As a further measure, the Park also recommends that the NC DOT salvage native plant material from within the area being disturbed for replanting following construction in disturbed areas that fall outside of the mow zone.